



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
AIR AND WASTE

OCT 20 2016

Ms. Rebecca Smith
Division of Air Quality
Alaska Department of Environmental Conservation
410 Willoughby Avenue, Suite 303
P.O. Box 111800
Juneau, Alaska 99811-1800

Dear Ms. Smith:

Thank you for your efforts to respond to the U.S. Environmental Protection Agency's final State Implementation Plan (SIP) call with respect to the treatment of excess emissions during periods of startup, shutdown and malfunction (SIP Call, issued June 12, 2015 at 80 FR 33840). We understand that Alaska intends to respond to the SIP Call by requesting to remove the current excess emissions provision, 18 AAC 50.240, from the federally-approved SIP. We also understand that the state proposed revisions to 18 AAC 50.240 on September 8, 2016, to clarify its applicability, as a matter of state law.

In comment letters on the proposed SIP Call (dated May 13, 2013, and November 6, 2014), Alaska provided its interpretation of the current version of 18 AAC 50.240. The letters state that Alaska interprets the language in 18 AAC 50.240 discussing penalties and injunctive relief in the case of excess emissions to apply solely to enforcement actions undertaken by Alaska, and that it does not bar or limit injunctive relief or penalties that may be sought by the EPA or citizens. We understand that the proposed changes to 18 AAC 50.240 are intended to clarify that all excess emissions are violations and to support the Alaska's interpretation that 18 AAC 50.240 does not preclude the EPA or citizens from seeking penalties or injunctive relief for excess emissions.

Based on the proposed changes to 18 AAC 50.240 and our understanding that this provision will not be part of the Alaska SIP, we believe that the proposed approach for responding to the SIP call is consistent with the EPA's current policies and legal requirements, and would not interfere with the enforcement authority for SIPs required under CAA section 110(a)(2)(C). Please ensure that, in addition to meeting all other requirements for SIP submissions, Alaska's response to the SIP Call specifically states that Alaska is withdrawing 18 AAC 50.240 from the Alaska SIP, and that Alaska is retaining the revised 18 AAC 50.240 entirely outside of the Alaska SIP.

We appreciate the time and effort you have devoted to this work. If you have questions, please contact Kristin Hall at 206-553-6357 or hall.kristin@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Debra M Suzuki".

Debra Suzuki, Manager
Air Planning Unit